

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

IN RE:

THE BENNETT FUNDING GROUP, INC.

Debtor

CASE NO. 96-61376

Chapter 11

Substantively Consolidated

ORDER GRANTING TRUSTEE'S MOTION REGARDING INTERIM DISTRIBUTION
PROCEDURE AND REQUESTING AUTHORIZATION TO MAKE SECOND INTERIM
DISTRIBUTION TO GENERAL UNSECURED CREDITORS

Upon the Trustee's motion regarding Interim Distribution Procedure and Requesting Authorization to Make Second Interim Distribution to General Unsecured Creditors, dated June 30, 1999 (the "the Distribution Motion"); and upon the Affidavit of Christopher D. Pulver in support of the Distribution Motion, dated June 30, 1999; and upon the hearing on the Distribution Motion held on August 12, 1999, and appearances by James Gamble, Simpson Thacher & Bartlett, counsel for the Trustee, Daniel M. Stolz, Wasserman, Jurista & Stolz, P.C., counsel for the Creditors' Committee, Guy A. Van Baalen, Assistant U.S.Trustee, Robert K. Weiler, Green & Seifter Attorneys, P.C., counsel for various banks, Joseph Zagraniczny, Bond, Schoeneck & King, LLP, counsel for various banks, William F. Costigan, Costigan & Company, P.C., counsel for certain of the Abatemarco plaintiffs and Edward J. Fintel, Edward J. Fintel & Associates, counsel for Century Indemnity Company, et al.; and upon arguments of counsel and the Court having questioned the sums being reserved by the Trustee for payment of professional fees through March 31, 2000; and the Trustee having submitted the supplemental affidavit of Christopher Pulver, dated August 17, 1999, in response to the Court's concern and counsel for the Creditors Committee having also filed an Amended Statement of Position regarding the Trustee's motion and after due deliberation, the

Court having concluded that the Trustee's reservation of additional professional fees to be paid thru March 31, 2000 is overestimated to the extent of \$5,000,000; it is hereby

ORDERED that the Trustee is authorized to make the second interim distribution to the general unsecured creditors in an amount fixed by the Court at \$25 million in accordance with the terms of and subject to the limitations provided in the Distribution Motion, including, without limitation, the creditors to be excluded from the interim distribution; and it is further

ORDERED that the granting of the Distribution Motion is without prejudice to the rights, if any, of Century Indemnity Company, et al. to argue that they should receive their ratable share of the First and Second Interim Distributions and any subsequently approved distributions.

Dated at Utica, New York

this 1st day of September 1999

STEPHEN D. GERLING
Chief U.S. Bankruptcy Judge